

EXHIBIT AA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLENE CARTER)
) CIVIL ACTION NO.
VS.) 3:17-CV-02278-X
)
SOUTHWEST AIRLINES CO., AND)
TRANSPORT WORKERS UNION OF)
AMERICA, LOCAL 556)

CONFIDENTIAL 30(b)(6)
VIDEOTAPED DEPOSITION OF
MICHAEL SIMS
NOVEMBER 2, 2020

ANSWERS AND DEPOSITION OF MICHAEL SIMS,
produced as a witness at the instance of the
Plaintiff, taken in the above-styled and -numbered
cause on NOVEMBER 2, 2020, at 9:06 a.m., before
CHARIS M. HENDRICK, a Certified Shorthand Reporter
in and for the State of Texas, witness located in
Midlothian, Texas, County of Ellis, pursuant to the
Federal Rules of Civil Procedure, the current
emergency order regarding the COVID-19 State of
Disaster, and the provisions stated on the record
or attached hereto.

Page 2

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25 ALSO PRESENT: MR. MACK SPURLOCK -
VIDEOGRAPHER

MS. CHARLENE CARTER
MS. LAUREN ARMSTRONG
MR. CHRIS MABERRY

1	INDEX	
2	Appearances	2
3	MICHAEL SIMS	
4	Examination by Mr. Gilliam.....	6
5	Examination by Mr. Correll.....	230
6		
7	Signature and Changes.....	235
8	Reporter's Certificate.....	237
9		

10	EXHIBITS	
11	Exhibit 1 -	70
	Southwest Airlines Policies, Document 11	
12	Exhibit 2 -	72
13	Termination Letter, Document 7	
14	Exhibit 3 -	126
15	Email to Suzanne Stephensen from Audrey Stone, Document 1	
16	Exhibit 4 -	135
17	Email to Suzanne Stephensen from Dave Kissman, Document 2	
18	Exhibit 5 -	157
19	Email to Denise Gutierrez from Ed Schneider, Document 5	
20	Exhibit 6 -	160
21	Email to Maureen Emlet from Ed Schneider, Document 9	
22	Exhibit 7 -	167
23	Email to Maureen Emlet from Ed Schneider, Document 6	
24		
25		

Page 4

EXHIBITS

1		
2	Exhibit 8 -	191
3	Email to Listening Center from Listening Center,	
4	Document 4	
5	Exhibit 9 -	206
6	Email to Tammy Shaffer from Mike Sims, Document 13	
7	Exhibit 10 -	217
8	Email to Naomi Hudson from Kevin Allen, Document 15	
9	Exhibit 11 -	223
10	Email to Dave Kissman from Carolene Goulbourne,	
11	Document 3	
12	Exhibit 12 -	224
13	Email to Joe Mendez from Sonya Lacore, Document 14	
14	Exhibit 13 -	224
15	Email to Inflight Labor Relations from Tammy	
16	Shaffer, Document 12	
17	Document -	204
18	80-Carter Fourth Amended Complaint	
19	Document -	204
20	81-SWA Answer to Carter Fourth Amended Complaint	
21	Document -	95
22	SWA Response to Plaintiff's Roggs	
23		
24		
25		

1 PROCEEDINGS

2 THE VIDEOGRAPHER: We are now --
3 sorry. We are now on record. Today's date is
4 November 2nd, 2020. The time is 9:06 a.m. Central
5 time. Will counsel please -- will the court
6 reporter please swear in the witness?

7 THE REPORTER: This deposition is --
8 of Michael Sims is being conducted remotely in
9 accordance with the current emergency order
10 regarding the COVID-19 State of Disaster. The
11 witness is located in Midlothian, Texas.

12 My name is Charis Hendrick, Court
13 Reporter, CSR No. 3469. I am administering the
14 oath and reporting the deposition remotely by
15 stenographic means from my home in Ellis County,
16 Texas. The witness has been identified to me
17 through counsel.

18 Would counsel please state their
19 appearances and locations for the record? And the
20 city is fine.

21 MR. GILLIAM: This is Matthew Gilliam
22 for plaintiff Charlene Carter. I'm in Springfield,
23 Virginia.

24 MR. CORRELL: Michael Correll for
25 defendant Southwest Airlines in Dallas, Texas.

Page 6

1 MR. GREENFIELD: Adam Greenfield for
2 defendant TWU Local 556 in Dallas, Texas.

3 MICHAEL SIMS,
4 having been first duly sworn, testified as follows:

5 EXAMINATION

6 BY MR. GILLIAM:

7 Q. Good morning, Mr. Sims. Did you already
8 do the oath? I am sorry. Okay. Good morning,
9 Mr. Sims. My name is Matt Gilliam and I am the
10 attorney representing plaintiff Charlene Carter in
11 this case. I am here today to ask you some
12 questions about Carter v TWU Local 556 and
13 Southwest Airlines Company. This is a Rule
14 30(b)(6) deposition of defendant Southwest
15 Airlines; that's your understanding as well?

16 A. That is correct.

17 Q. Okay. And you are the designated
18 representative of defendant Southwest Airlines
19 Company?

20 A. That is correct.

21 Q. Okay. And because this is a 30(b)(6)
22 deposition, you understand that you are speaking on
23 behalf of the company, Southwest Airlines, and not
24 on your personal behalf?

25 A. I do.

1 topic amongst many of our flight attendants at the
2 time because, in terms of union parlance, it was a
3 big event.

4 Q. Do you remember when it first became a
5 topic?

6 A. To my knowledge, it became a topic shortly
7 after the -- the collective bargaining agreement
8 was signed, which would -- I want to say sometime
9 in the time period of 2016 and on. It may have
10 been a little sooner than 2016.

11 Q. Okay. So was it the current collective
12 bargaining agreement that was signed in 2016?

13 A. I believe. I can -- I can get that answer
14 for you. I have to look on the actual document to
15 see when it was signed.

16 Q. Okay. And what else did you and Maureen
17 discuss about the investigation?

18 A. That was it.

19 Q. Okay.

20 A. Was a pretty short conversation.

21 Q. And who is Nancy Cleburn?

22 A. Nancy Cleburn is one of the leaders in our
23 ACT team, and that is the accommodations team that
24 makes determinations on workplace accommodations,
25 such as disability, religious and any other type of

Page 28

1 accommodation an employee would seek under the law.

2 Q. Okay. And what were your discussions with
3 Ms. Cleburn?

4 A. Specifically, did Ms. Carter ever seek an
5 accommodation for religious purposes with that
6 team.

7 Q. Okay. Did you have any other discussions
8 with Ms. Cleburn?

9 A. No.

10 Q. Okay. And one other question about Nancy.
11 You say she's one of the leaders of the ACT team.
12 Does she have a title?

13 A. I believe it is manager.

14 Q. Okay. So she would be an ACT team
15 manager?

16 A. Correct.

17 Q. Okay. Does she -- is she employed to
18 perform any other roles with the company?

19 A. Not that I know of.

20 Q. Okay. And is the ACT team independent in
21 the same sense as the employee relations group?

22 A. That is correct. They report up through
23 human resources and through general counsel.

24 Q. Okay. And both the ACT team and employee
25 relations report through human relations; is that

Page 32

1 discussions with Nancy and Audrey apart from
2 whether Ms. Carter ever requested an accommodation?

3 A. No. That was the sole purpose of the
4 conversation.

5 Q. Okay. And how long did that conversation
6 last?

7 A. Five to seven minutes.

8 Q. Okay. All right. So I -- I sort of
9 interrupted my -- my introduction a little bit. So
10 I should go ahead and say now, if at any point you
11 want to take a break, just let me know. I -- I may
12 use the same. And I think that's -- you -- you
13 said earlier, I think, that you had -- you read the
14 Complaint; is that right?

15 A. That's correct.

16 Q. Okay. And you are -- you are still
17 employed by Southwest; that's correct?

18 A. Yes.

19 Q. Okay. And how long have you been employed
20 by Southwest?

21 A. As of this month, it will be 24 years.

22 Q. Okay. And what is your current title?

23 A. Senior director, inflight operations.

24 Q. All right. And how long have you been in
25 that position?

1 A. Since 2017.

2 Q. Okay. And what position did you hold with
3 Southwest prior to that?

4 A. Director of inflight operations.

5 Q. Okay. When were you director, were you,
6 basically, doing the same things that you are now?

7 A. For the most part, but my role expanded
8 and it became senior director. So, yeah, I had
9 been working as a director in the inflight base
10 operations world since 2011.

11 Q. Okay. How did your role expand when you
12 became senior director?

13 A. I was assigned another team to manage,
14 which would be our network operations center
15 managers that are our 24-hour NOC world. I was
16 also assigned a gentleman who manages our peer
17 support programs for flight attendants. And then I
18 was assigned a woman who manages a communications
19 tool that we used to interact with our flight
20 attendants known as Link, L-i-n-k. And that was in
21 addition to operating the inflight bases.

22 Q. And those employees you just mentioned
23 that were part of your expanded role, they are not,
24 I guess, employees in the same bargaining unit as
25 the flight attendants, right?

1 Q. Okay. Okay. Yeah. I was confused. All
2 right. All right. And is there -- who was the --
3 so Denise Gutierrez was the employee relations
4 manager involved in this case; is that -- that
5 correct?

6 A. Representative; I am not sure if she was a
7 manager or not.

8 Q. Okay.

9 A. I am not sure of her title at the time.

10 Q. Okay. Do you know who she reported to?

11 A. I believe, at the time -- I -- I am not
12 sure who she reported to, actually.

13 Q. Okay. Do you know if anybody else from
14 employee relations besides Denise Gutierrez was
15 involved in Carter's investigation?

16 A. Not to my knowledge.

17 Q. Okay. At -- at what point do the employee
18 relations representatives typically get involved in
19 an -- in a disciplinary investigation?

20 A. They become involved at the moment that
21 there is reason to believe that there could
22 possibly be a protected class of people or
23 protected work right had -- may be in question.
24 They get -- they get involved very early on.

25 Q. Okay. And when you say protected class,

Page 58

1 Q. Okay. Now, have -- have there been any
2 tentative agreements reached between Southwest and
3 Local 556 regarding the collective bargaining
4 agreement?

5 A. No.

6 MR. CORRELL: And I am going to object
7 that the current scope of bargaining between the
8 company and the union is beyond the scope of the
9 Notice. Mr. Sims, you can answer as you are able
10 to in your personal capacity.

11 THE WITNESS: Okay.

12 Q. (By Mr. Gilliam) Has a tentative
13 agreement -- okay. You said no -- no tentative
14 agreement has ever been reached?

15 A. That is correct.

16 Q. Okay. All right. But -- okay. Now, who
17 oversees the inflight services division?

18 A. That is vice president Sonya Lacore,
19 L-a-c-o-r-e.

20 Q. Okay. And what -- what does that position
21 do?

22 A. The vice president of inflight is in
23 charge of overseeing all budgeting matters. She
24 serves as a senior leader on the senior management
25 committee at Southwest Airlines. She's also

1 responsible ultimately for the day-to-day operation
2 of inflight and the overall job performance of our
3 flight attendants.

4 Q. Okay. And who -- who would the VP for
5 inflight services report to?

6 A. Reports to a senior vice president of air
7 operations.

8 Q. Okay. And who -- who would that be?

9 A. Currently, Alan Kasher, K-a-s-h-e-r.

10 Q. Okay. And do you know who Sonya Lacore's
11 predecessor was?

12 A. Yes.

13 Q. And who was that?

14 A. Mike Hafner, H-a-f-n-e-r.

15 Q. Okay. When did Sonya Lacore become the
16 senior V -- I am sorry -- the VP for inflight
17 services?

18 A. On or around November of 2015.

19 Q. Okay. And as senior director of inflight
20 operations, do you report to Sonya Lacore?

21 A. I do.

22 Q. Okay. Is she your direct report? I am
23 sorry.

24 Do you report directly to her?

25 A. That is correct.

Page 64

1 Q. Okay. And about how many base managers do
2 you have in the total West Coast area?

3 A. Five.

4 Q. Five. Okay.

5 A. Excuse me. It's six now. We opened Los
6 Angeles, but it -- during this period, it was five.

7 Q. So there were -- were five West Coast base
8 managers in 2017?

9 A. Yes.

10 Q. Okay. But six now. All right. And how
11 -- how many base managers company-wide for all --

12 A. Currently, we have 11.

13 Q. 11. Okay. Okay. And the base manager in
14 Denver is Ed Schneider, correct?

15 A. That is correct.

16 Q. Okay. And -- and Ed Schneider, he -- he
17 reported directly to Dave?

18 A. That is correct.

19 Q. Okay. Did he report to you as well or --
20 or just solely to Dave?

21 A. Solely to Dave.

22 Q. Okay. And what -- what -- what did Dave
23 Kissman do in his position?

24 A. Dave, his responsibilities were provide
25 leadership to the bases that reported up to him to

1 Q. Sure. There --

2 A. Can you tell me again the -- it's Number
3 11?

4 Q. Yeah. It's Document 11. We've marked it
5 as Exhibit 1.

6 A. Okay. So I have it -- I have it pulled up
7 here. So I am looking at the workplace bullying
8 and hazing policy. I'm scrolling down. And let me
9 look at this next one. Okay. I reviewed the
10 social media policy and now looking at the next
11 document.

12 Q. Yeah, and -- and we can stop after you
13 look at the next one, the -- the --

14 A. Okay. And then --

15 Q. And whenever you have finished reviewing
16 that one, let me know.

17 A. Ready.

18 Q. Okay. And do you recognize those and what
19 they are?

20 A. I do.

21 Q. Okay. And what are they?

22 A. The first document is from the Southwest
23 Airlines flight attendant manual. It is the
24 mission statement and the explanation of the
25 mission statement. The second document is the

Page 72

1 workplace bullying and hazing policy. Third is the
2 Southwest Airlines employee social media policy.
3 And then the fourth is the Southwest Airlines
4 policy concerning harassmt, sexual harassmt,
5 discrimination and retaliation.

6 Q. Okay. And so the -- the workplace
7 bullying and hazing policy and then the Southwest
8 Airlines Company policy concerning harassmt and
9 sexual harassmt, those are two separate policies;
10 is that correct?

11 A. Yes.

12 Q. Okay. And do you -- were -- were these
13 the policies that were in effect when Ms. Carter
14 was terminated?

15 A. Let me look. Yes, that is correct.

16 Q. Okay. And do you -- was she terminated
17 for -- which ones were -- was she terminated for
18 violating?

19 A. Harassmt and bullying policy, sexual
20 harassmt and social media.

21 Q. Okay. If we could also mark -- let's see
22 -- Document 7 as Exhibit 2, please.

23 (Exhibit 2 marked.)

24 Q. (By Mr. Gilliam) And feel free to -- to
25 look at document --

1 A. It will take me a minute to pull it up.

2 THE VIDEOGRAPHER: Is this the correct
3 document?

4 MR. GILLIAM: Yes.

5 Q. (By Mr. Gilliam) And, Mr. Sims, whenever
6 you are ready, just let me know.

7 A. Okay. That is -- I am ready.

8 Q. Okay. And do you recognize this -- this
9 document?

10 A. That is the termination notice that was
11 sent to Ms. Carter.

12 Q. Okay. And, I guess, let's see. Towards
13 the end, I think, of the -- the third paragraph, it
14 says, after considering -- considering all
15 information gathered in my investigation, as well
16 as the information presented in your fact-finding
17 meeting, I have determined that your conduct is in
18 direct violation of the Southwest Airlines mission
19 statement. And it says, the following company
20 policies; and it mentions only -- by bullet point
21 there -- workplace bullying and hazing policy and
22 social media policy; is that correct?

23 MR. CORRELL: Objection. That
24 misstates the exhibit, but, Mr. Sims, you can
25 answer.

Page 74

1 A. That's what the bullet points say.

2 Q. (By Mr. Gilliam) Okay. And then it says
3 after that, your conduct could also be a violation
4 of Southwest's policy concerning harassment, sexual
5 harassment, discrimination and retaliation.

6 So in saying that your conduct could
7 also be a violation, was it determined that -- that
8 Ms. Carter violated that policy?

9 A. That was inconclusive.

10 Q. Okay. So Ms. Carter -- I mean, is it --
11 is it correct to say Ms. Carter was -- was fired
12 for violating the workplace bullying and hazing
13 policy and the social media policy?

14 A. Yes.

15 Q. Okay. I would like to return to Exhibit 1
16 now, the document marked as Exhibit 1. And turning
17 to the -- the second page with the -- the workplace
18 bullying and hazing policy. Was her conduct
19 considered bullying or hazing?

20 A. Bullying.

21 Q. Bullying. Okay. Was her conduct
22 considered hazing?

23 A. Potentially, it could have been, based on
24 this -- definition.

25 Q. Okay. But she was -- is it correct to say

1 that she was fired for bullying?

2 A. That's correct.

3 Q. Okay. And then it -- it says that hazing
4 and bullying behavior should be reported by the
5 employee to his or her supervisor, HR business
6 partner or any senior leader, something of that
7 sort. I was just going to ask: Who was a senior
8 leader?

9 A. Senior leader can be pretty loosely
10 defined at Southwest. But, generally, department
11 senior leaders are considered director level and
12 above; yet, we have senior managers, by title, are
13 senior leaders. So there is not really a -- a
14 clear definition versus how we utilize the term. A
15 senior leader could be anyone that is higher in the
16 organization.

17 Q. Okay. And once hazing and bullying
18 behavior is reported to one of those individuals,
19 what do they do next?

20 A. They notify employee relations.

21 Q. Okay. And then does employee relations
22 head up the investigation? Or what does employee
23 relations do with it?

24 A. In -- in bullying allegations, employee
25 relations may or may not be involved. There are

Page 100

1 representatives may have reported other employees
2 for social media violations before?

3 A. No, I don't remember.

4 Q. Okay. Okay. In the 122 cases that you
5 mentioned, the disciplinary cases -- well, you --
6 you don't -- you said you do not remember how --
7 whether any of those employee or how many were
8 fired?

9 A. I don't know how many were terminated.

10 Q. Okay.

11 A. And in those cases --

12 MR. CORRELL: We're going to get that
13 information for you over lunch, so he'll be able to
14 answer that question.

15 MR. GILLIAM: Okay.

16 MR. CORRELL: We have it; I just need
17 to refresh his recollection.

18 MR. GILLIAM: Okay. Let's see. I may
19 hold off on a couple of other questions, then.

20 THE VIDEOGRAPHER: I have roughly 10
21 minutes before I have to do a media change, just to
22 let you know.

23 MR. GILLIAM: Okay.

24 Q. (By Mr. Gilliam) Now, is -- is it the ACT
25 team that is responsible for handling religious

1 accommodation requests?

2 A. That is correct.

3 Q. And what -- what does the -- what does ACT
4 stand for?

5 A. Accommodations and Career Transitions.

6 Q. Okay. Now, would the ACT team be in
7 charge of any incident where a flight attendant is
8 accused of treating another flight attendant
9 unfairly based on their religion?

10 A. No. That would be employee relations.

11 Q. Okay. So any incidents of religious
12 discrimination would -- would also be handled by
13 employee relations?

14 A. In -- incidents of discrimination are
15 handled by employee relations. The ACT team only
16 grants accommodations.

17 Q. Okay. If an incident of religious
18 discrimination is reported to the ACT team, do --
19 do they ever report it to -- I'm -- I'm sorry. Let
20 me start over.

21 If an incident of religious
22 discrimination is -- is reported to employee
23 relations, does employee relations ever communicate
24 that to the ACT team?

25 A. That, I do not know.

1 the ACT team. Or they could contact the ACT team
2 directly.

3 Q. Okay. And then when the ACT team receives
4 knowledge of an accommodation request, what do they
5 do with that information?

6 A. They review it and -- in accordance with
7 company policy and applicable law, and they make a
8 determination whether or not some sort of workplace
9 accommodation will be granted or not.

10 Q. Okay. Do they consult with employee
11 relations or inflight or another department in
12 making a determination of an accommodation request?

13 A. Generally, no. Other than they may reach
14 out to the respective department to learn more
15 about the job functions itself under the job
16 description.

17 Q. And is -- is the ACT team comprised of
18 full-time employees?

19 A. Correct.

20 Q. Okay. And they are doing that job on the
21 ACT team in a full-time basis?

22 A. Correct.

23 Q. Okay. And about -- do you know about how
24 many employees are within the ACT team?

25 A. I do not.

1 clarify. Is there any other group or person at
2 Southwest who is monitoring employees', I guess,
3 social media sites for content?

4 A. Not that I know of.

5 Q. Okay. When did Southwest first learn from
6 Audrey Stone about Charlene Carter's Facebook
7 messages and posts?

8 A. I do not have the date.

9 Q. Do -- do you remember how Southwest
10 learned about it?

11 A. Yes.

12 Q. Okay. And -- and how was that?

13 A. Audrey Stone sent a email to her base
14 leader in Las Vegas.

15 Q. Do you know if Audrey Stone communicated
16 with any other Southwest management employees prior
17 to communicating with her base manager?

18 A. No. I have no knowledge of that.

19 Q. Okay. And do you know who -- who her base
20 leader in Las Vegas was?

21 A. Suzanne Stephensen, S-t-e-p-h-e-n-s-e-n.

22 Q. Okay. And do you remember what she
23 reported exactly?

24 A. I am not clear. What Audrey reported or
25 what Suzanne --

Page 126

1 Q. Yeah. I am sorry. Do you -- do you
2 recall what Audrey reported to Suzanne?

3 A. Yes. She sent an email to Suzanne stating
4 that she had received disturbing email --
5 disturbing private messages on Facebook and also
6 video footage of aborted fetuses and still pictures
7 of aborted fetuses.

8 Q. Okay. I would like to mark Document 1 as
9 Exhibit 3.

10 (Exhibit 3 marked.)

11 Q. (By Mr. Gilliam) And if you could just
12 review Document 1 briefly and let me know when you
13 have had the chance to take a look at it.

14 A. Okay. Okay.

15 Q. Do you recognize what this is?

16 A. I do.

17 Q. And what is it?

18 A. This is an email authored by Audrey Stone,
19 sent to Las Vegas base manager Suzanne Stephensen
20 with her initial complaint.

21 Q. Okay. And it appears she has CC'd Naomi
22 Hudson and Sonya Lacore. Who -- who is Naomi
23 Hudson?

24 A. Naomi Hudson is a former senior director
25 in labor relations. She has retired.

Page 128

1 Q. Did he tell you who had made the
2 complaint?

3 A. I believe he did.

4 Q. Okay. And, presumably, he told you Audrey
5 Stone?

6 A. Yes.

7 Q. And did you know would Audrey Stone was?

8 A. Yes.

9 Q. And how -- and you knew that Audrey Stone
10 was president of Local 556?

11 A. I did.

12 Q. And how did you know she was president of
13 Local 556?

14 A. As a general course of business, we know
15 who our union presidents are.

16 Q. Did you ever communicate with the union
17 president in the regular course of business?

18 A. Yes, I did.

19 Q. Okay. And what -- I guess, what were the
20 matters you -- you discussed with the union
21 president?

22 A. Generally, employee grievances.

23 Q. And in the regular course of conducting
24 business and when you had occasion to talk to the
25 union president, did you discuss other matters

1 the -- the pictures that were attached to this
2 email, correct?

3 A. Yes.

4 Q. Okay. I want to -- let's see. Turn to --
5 let's see. Is it -- which page it is in your --
6 maybe the third page, the first picture.

7 A. Okay. Say it again. The first picture?

8 Q. Yeah. The first -- the first Facebook
9 screen grab, I guess; the first screenshot, so --

10 A. Okay.

11 MR. CORRELL: Counsel, would that be
12 Page 4228?

13 MR. GILLIAM: Yes. It's 4228.
14 Southwest Bates label 4228.

15 A. Okay.

16 Q. (By Mr. Gilliam) Now, did -- was this a
17 post that Ms. Carter sent to Audrey Stone by
18 Facebook Messenger?

19 A. I believe it is.

20 Q. Okay. So when -- when Ms. Carter sent
21 this to Audrey Stone, nobody else could see this
22 but Audrey, correct?

23 A. That, I do not know.

24 Q. Okay. And turning to the -- going to the
25 next page, it's Bates labeled Southwest 4230.

Page 132

1 A. Okay.

2 Q. Now, is -- do you know if this was sent to
3 Audrey Stone by Facebook Messenger?

4 A. I believe it was.

5 Q. Okay. All right. And then going to the
6 next one, 4232 Bates labeled.

7 A. Okay.

8 Q. And was this one posted on Charlene
9 Carter's Facebook page?

10 A. I don't believe it was a post on her
11 specific page, but she's attributed to it.

12 Q. Okay. Do you know where -- where it was
13 posted?

14 A. No.

15 Q. Okay. But this wasn't sent as a private
16 message to Ms. Stone, correct?

17 A. To my knowledge, it was not.

18 Q. Okay. Was -- is -- is it your
19 understanding that this particular post was
20 publicly available for other people to see?

21 A. It is my understanding, yes.

22 Q. Okay. Besides Audrey Stone, were there
23 any other complaints to Southwest about the posts
24 that were publicly viewable that Ms. Carter had
25 made?

1 you know, and I sent the message to him, let's get
2 employees relations on deck. And that was it.

3 Q. Okay. You also said you knew it was an
4 employee relations matters from glancing at it?

5 A. Yup.

6 Q. And how did you know that?

7 A. She's talking about pro-life and pro- --
8 so after looking at that, and then seeing that
9 there were some allegations there, that I just said
10 -- I just defaulted and -- and suggested they go on
11 with employee relations.

12 Q. Okay. And when she was talking about
13 pro-life, did that suggested that a protected
14 category was involved?

15 A. No, no.

16 Q. What -- what about pro-life tipped you off
17 that employee relations should be involved?

18 A. Well, that was just part of it. When I am
19 talking about the overall context of what I saw, I
20 believed it was employee relations. I didn't make
21 any conclusion one way or the other.

22 Q. Okay. And do you know if -- if someone
23 did contact employee relations?

24 A. I believe that happened.

25 Q. And do you know who contacted employment

Page 144

1 the first time where someone communicated with
2 employee relations about this matter?

3 A. I believe it is.

4 Q. Okay. And he -- he refers to protected
5 categories. Is -- is it exclusively employee
6 relations who gives insight regarding the protected
7 categories?

8 A. Yes.

9 Q. Okay. And I know we discussed it a little
10 bit earlier, but what exactly are the protected
11 categories?

12 A. Protected categories include racial
13 discrimination, gender discrimination, religious
14 discrimination, disability discrimination, age
15 discrimination, race discrimination.

16 Q. Okay. Okay. Now, with this -- this email
17 address to employee relations DG, do you know if
18 anybody outside of employee relations has access to
19 that mailbox?

20 A. That, I do not know.

21 Q. Okay. All right. Next, if I could direct
22 your attention to 4456. Should be the next page.

23 A. Yeah. Got it. Okay.

24 Q. And do you recognize this email?

25 A. I do.

1 Q. And what is it?

2 A. This is an email from Naomi Hudson, who
3 was then the senior director of labor relations,
4 who had also received -- she was copied on that
5 initial email from Audrey Stone, so she is sending
6 this to Suzanne Stephensen.

7 Q. Okay.

8 A. Just saying, please also forward to Toni
9 Hamilton.

10 Q. And who is Toni Hamilton?

11 A. Toni Hamilton worked in employee
12 relations.

13 Q. Do you know -- is this a she Toni or he
14 Toni?

15 A. She.

16 Q. Okay.

17 A. Former manager.

18 Q. Okay. Former employee relations manager?

19 A. Yes.

20 Q. Okay. And she was an employee relations
21 manager in 2017?

22 A. Yes.

23 Q. Okay. But is no longer an employee
24 relation manager?

25 A. As far as I know.

Page 146

1 Q. Okay. And do you know why Naomi Hudson
2 forwarded -- excuse me.

3 Do you why Naomi Hudson wanted the
4 email to be forwarded to Toni Hamilton?

5 A. I don't know why she wanted that.

6 Q. Okay. I -- I guess it's standard
7 procedure whenever, I guess, one of the -- the
8 leaders investigating believes there is a protected
9 category involved, that they would send it to
10 someone with employee relations --

11 A. That --

12 Q. -- is that correct? Okay.

13 THE REPORTER: I am sorry. I didn't
14 hear your answer.

15 A. That would make sense.

16 Q. (By Mr. Gilliam) Okay. And, next, if I
17 could direct your attention to 4459, next page.

18 A. Okay.

19 Q. And do you recognize this email?

20 A. I do.

21 Q. Okay. What is this email?

22 A. This is an email from Denise Gutierrez
23 advising Ed Schneider that she will be the employee
24 relations leader who will be assisting the base.

25 Q. Okay. And Denise Gutierrez was the

1 employee relations manager who, in fact, assisted
2 the base?

3 A. That is correct.

4 Q. Okay. Then turning to the next email,
5 it's 4465.

6 A. Okay.

7 Q. Do you recognize this?

8 A. This is an email from Dave Kissman to me.

9 Q. Okay. And he asks, she's back?

10 It -- it -- was he referring to Toni
11 Hamilton?

12 A. I do not know.

13 Q. The email he's forwarding says, please
14 also forward to Toni -- Toni Hamilton.

15 A. Right.

16 Q. Do you know why Dave Kissman was asking
17 you that?

18 A. I do not know. Oh --

19 Q. Do you recall?

20 A. I do. Naomi Hudson had been on a leave of
21 absence. She had surgery on her back and was out
22 for a couple of months. So Dave sent that to me
23 referring to Naomi Hudson returning to work.

24 Q. Okay. Do you remember how long Naomi
25 Hudson had been out on her leave of absence?

1 when we're actually in the process with an employee
2 who is under investigation.

3 Q. Okay. But in -- in this case, Southwest
4 interviewed Audrey Stone as part of its
5 investigative process; is that correct?

6 A. Correct.

7 Q. And then it held a meeting subsequently
8 with Ms. Carter too?

9 A. That is correct.

10 Q. A fact-finding meeting with Ms. Carter?

11 A. That is correct.

12 Q. Okay. Let's see. I would like to have
13 marked Document Number 5 as Exhibit 5.

14 (Exhibit 5 marked.)

15 Q. (By Mr. Gilliam) And if you want to
16 review these. And once you have had a chance to --
17 to review it, let me know.

18 A. Okay.

19 Q. Do you recognize what -- what this is?

20 A. These are the notes from Ed Schneider's
21 initial interview with Audrey Stone.

22 Q. Okay. And you said initial interview with
23 Audrey Stone. Do you know if he conducted multiple
24 interviews with Audrey Stone?

25 A. I believe this is the only one.

Page 160

1 A. There was one instance.

2 Q. And what is the instance you recall?

3 A. Former union president Melissa Smith
4 alleged that a flight attendant by the name of
5 Eddie Pirl, P-i-r-l, had said some things or had
6 written some things that she found disturbing.

7 Q. Okay. Do you remember what he had
8 written?

9 A. This was prior to what we currently know
10 as social media. There were internet forums at
11 that time, and he had written some things about
12 negotiations. And he -- he felt that -- she felt
13 that they were threatening towards her.

14 Q. Okay. And do you know if he was fired for
15 saying those things?

16 A. He was.

17 Q. Okay. All right. And I believe you also
18 said that a fact-finding was conducted for
19 Ms. Carter as well?

20 A. That is correct.

21 MR. GILLIAM: And I could have
22 Document 9 marked as Exhibit 6.

23 (Exhibit 6 marked.)

24 Q. (By Mr. Gilliam) If you want to read
25 that. And once you have had the chance to review

1 it, let me know.

2 A. Okay. So I just want to make sure it's
3 the correct document. These are fact-finding notes
4 from Charlene's meeting with Ed?

5 Q. Yes.

6 A. Okay.

7 Q. And would you like some time to review
8 them?

9 A. Yes. Please.

10 Q. Sure.

11 MR. CORRELL: And -- and, Counsel,
12 this may be a problem on our end. I just want to
13 make sure we've got the right document. It looks
14 like the email has two attachments, and I am only
15 seeing the fact-finding notes. I don't know if
16 that's because in the production, for some reason,
17 it's not with it; or it's intentionally not here.
18 But that's all there is, is the email and one
19 attachment, it looks like.

20 MR. GILLIAM: Oh, just including the
21 notes, but not the pictures?

22 MR. CORRELL: Correct.

23 MR. GILLIAM: Yeah. No. That's -- I
24 -- I was trying to conserve space.

25 MR. CORRELL: That's perfect. I just

Page 162

1 want to make sure that we're -- we're all looking
2 at the same document and know we're looking at the
3 same document.

4 MR. GILLIAM: Yeah, yeah.

5 A. Okay.

6 Q. (By Mr. Gilliam) And do you recognize
7 this?

8 A. I do.

9 Q. And what is it?

10 A. These are fact-finding notes from Ed
11 Schneider's meeting with Ms. Carter.

12 Q. Okay. Do you know if the -- if the
13 fact-finding notes went through revisions prior to
14 there being a final version?

15 A. I don't -- I don't know.

16 Q. Okay. Okay. I wanted to direct your
17 attention to, I guess, the -- the second and the
18 third page. It's 4676 and 4677.

19 A. 4676. Okay.

20 Q. And -- and 4677 towards the bottom. Where
21 Charlene says, I am a Christian, I am a
22 conservative and I am pro-life.

23 And discussions continue on the second
24 page. And she -- she says, I work with other
25 pro-life groups; and for me, as a Christian, if I

Page 164

1 A. -- you are talking about?

2 Q. So -- and, you know, I don't -- I don't
3 want to, you know, read every line, but where she's
4 talking about being a Christian, a conservative and
5 pro-life; and continuing on the next page,
6 describing working with other pro-life groups and
7 getting -- getting the word out about abortion in
8 any way, did -- did labor relations consider
9 whether that placed Ms. Carter in any protected
10 category?

11 A. That, I do not know.

12 Q. Okay. Same question: Did inflight
13 question whether that information put Ms. Carter in
14 any protected category?

15 A. I do not know.

16 Q. And just to make sure that it -- it's
17 clear, did employee relations consider whether that
18 information put her in any protective category?

19 A. That, I do not know.

20 Q. Okay. Did employee relations consider
21 whether Charlene Carter needed a religious
22 accommodation?

23 A. I do not know.

24 Q. Okay. Did labor relations consider
25 whether Charlene Carter needed a religious

1 accommodation?

2 A. I do not know.

3 Q. Did inflight consider whether Charlene
4 Carter needed a religious accommodation?

5 A. I do not know.

6 Q. And did human resources consider whether
7 Charlene Carter needed a religious accommodation?

8 A. I do not know.

9 Q. Okay. And just to make sure I covered it
10 too, did human resources consider whether the
11 information she shared about being a Christian and
12 pro-life and trying to get the word out in any way,
13 whether that placed her in any protected category?

14 A. I do not know.

15 Q. Okay. Do you know whether the ACT team
16 ever in- -- investigated any aspect of Charlene
17 Carter's matter?

18 A. Not to my knowledge.

19 Q. Okay. As part of the investigation, did
20 anyone with Southwest have communications about
21 Charlene Carter's religious beliefs?

22 A. Not to my knowledge.

23 Q. Okay. Okay. Now, what is the standard
24 practice for, I guess, the -- the -- well, let me
25 ask the question this way: What is the standard

Page 188

1 A. That time period was tumultuous in terms
2 of there was a effort to recall the Local 556
3 officers. In addition, there was a lot of
4 political activity surrounding the inauguration of
5 President Trump on January 20th, 2017.

6 And I just came to the conclusion that
7 we all need to -- or everyone needs to step back
8 and review Ms. Carter's case as a long-term
9 employee who had a good track record; who told me
10 that she regretted, to a certain extent, the
11 methodology that she chose; and that she wanted her
12 job back. And so I used my authority to offer her
13 a last-chance agreement.

14 Q. And quick question: Had Ms. Carter ever
15 been disciplined in her career with Southwest?

16 A. Not to my knowledge.

17 Q. And -- okay. And when you say that the --
18 the issue had gone on at great cost to everyone,
19 what -- what was the cost?

20 A. The cost -- well, we had not gone into
21 monetary costs yet, but that's where it was going.
22 But the cost, I thought, was undermining our
23 culture at Southwest. And it was impeding our
24 ability to do business.

25 Q. And -- and what -- I guess, what caused

1 Q. Okay. But they are -- they are
2 attachments to one of the emails in 7466 to 7470;
3 is that correct?

4 A. Okay. Yes.

5 Q. And do you know why these would be
6 forwarded?

7 A. Simply for a FYI.

8 Q. Okay. All right. I would like to -- to
9 shift for -- to a few other things here. So
10 earlier, I think I -- I had asked whether anybody
11 else had complained about Charlene's (sic) Carter's
12 -- well, I -- I may have asked some more narrow
13 questions, so let me ask: Did -- did Southwest
14 receive any complaints about any of Charlene
15 Carter's Facebook posts made on her Facebook page?

16 A. Not to my knowledge.

17 Q. Okay. Prior to her termination, had
18 Carter's Facebook posts harmed Southwest?

19 A. I believe so.

20 Q. How did they harm Southwest?

21 A. She's representing herself as a Southwest
22 Airlines flight attendant and putting out on her
23 Facebook images that may not be reflective of how
24 Southwest Airlines believes, in terms of what we
25 support, what we don't support. Because Southwest

Page 222

1 Airlines is neutral. And as a result, there was
2 harm done.

3 Q. Did -- was there any financial harm?

4 A. Not to my knowledge.

5 Q. Did anyone ever ask her to take them down
6 prior to her termination?

7 A. Not -- not to my knowledge.

8 Q. Okay. All right. Let's see. I would
9 like to direct your attention to Document 3.

10 A. Okay.

11 Q. And do you recognize this?

12 A. I do.

13 Q. Okay. And what is it?

14 A. This is correspondence sent from the
15 Oakland base manager Carolene Goulbourne to her
16 leader senior manager, Dave Kissman, regarding
17 Brian Talbert.

18 Q. And she says that there was -- well, she
19 says, however, their intent to repost was
20 retaliation.

21 Did she reach -- did she reach that
22 conclusion?

23 A. I do not know if that's -- there is some
24 grammar errors here. Their intent to repost was
25 re- -- oh, it appears that that is her conclusion.

1 harassment policy have any impact on
2 Mr. Schneider's discretion regarding other policy
3 violations?

4 A. They do not.

5 Q. And, Mr. Sims, you understand, in your
6 personal capacity, that this case today is about
7 religious discrimination and alleged discrimination
8 against union objectors; is that correct?

9 A. I do understand that.

10 Q. Do you have a personal preference between
11 union objectors and nonobjectors?

12 A. I do not.

13 Q. Do you have a position between pro-life
14 and pro-choice on the issue of abortion?

15 A. I do.

16 Q. How would you identify your position?

17 A. I am pro-life.

18 Q. Do you have any animus towards other
19 people who are pro-life?

20 A. I do not.

21 Q. Do you have any animus towards people of
22 any Christian faith?

23 A. I do not.

24 MR. CORRELL: I pass the witness.

25 MR. GILLIAM: I have got no questions.

Page 236

1 I, MICHAEL SIMS, have read the foregoing
2 deposition and hereby affix my signature that same
3 is true and correct, except as noted above.
4

5 _____
6 MICHAEL SIMS

7 THE STATE OF _____
8 COUNTY OF _____

9 Before me, _____, on this day
10 personally appeared MICHAEL SIMS, known to me (or
11 proved to me under oath or through _____) to
12 be the person whose name is subscribed to the
13 foregoing instrument and acknowledged to me that
14 they executed the same for the purposes and
15 consideration therein expressed.

16
17 Given under my hand and seal of office this _____
18 day of _____, 2020.
19

20 _____
21 NOTARY PUBLIC IN AND FOR THE
22 STATE OF _____
23

24 MY COMMISSION EXPIRES: _____
25

1 REPORTER'S CERTIFICATION
2 IN THE UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF TEXAS
4 CHARLENE CARTER)
5 VS.) CIVIL ACTION NO.
6) 3:17-CV-02278-X
7)
8 SOUTHWEST AIRLINES CO., AND)
9 TRANSPORT WORKERS UNION OF)
10 AMERICA, LOCAL 556)
11)
12)

13 -----
14 CONFIDENTIAL 30(b)(6)
15 DEPOSITION OF MICHAEL SIMS
16 NOVEMBER 2, 2020
17 -----

18 I, CHARIS M. HENDRICK, Certified Shorthand
19 Reporter in and for the State of Texas, do hereby
20 certify to the following:

21 That the witness, MICHAEL SIMS, was by me
22 duly sworn and that the transcript of the oral
23 deposition is a true record of the testimony given
24 by the witness.

25 I further certify that pursuant to Federal
Rules of Civil Procedure, Rule 30(e)(1)(A) and (B)
as well as Rule 30(e)(2), that review of the
transcript and signature of the deponent:

___xx___ was requested by the deponent and/or a
party before completion of the deposition.

Page 238

1 _____ was not requested by the deponent and/or
2 a party before the completion of the deposition.

3 I further certify that I am neither
4 attorney nor counsel for, nor related to or
5 employed by any of the parties to the action in
6 which this deposition is taken and further that I
7 am not a relative or employee of any attorney of
8 record in this cause, nor am I financially or
9 otherwise interested in the outcome of the action.

10 The amount of time used by each party at
11 the deposition is as follows:

12 Mr. Gilliam - 6:50 hours/minutes

13 Mr. Correll - 5 minutes

14

15 Subscribed and sworn to on this 12th day
16 of November, 2020.

17

18

19

Charis M. Hendrick

20

CHARIS M. HENDRICK, CSR # 3469
Certification Expires: 10-31-21
Bradford Court Reporting, LLC
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Dallas, Texas 75252
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Facsimile 972-931-1199
Firm Registration No. 38

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